

ANNEX G MILITARY SUPPORT

I. SITUATION AND ASSUMPTIONS

A. National Guard State Active Duty

Units or selected individual members of the Kentucky National Guard (Army and Air) will provide military assistance to state and local governments in a State Active Duty status when so ordered by the Governor by Executive Order. Since the entire National Guard does not attend Annual Training or Inactive Duty Training at the same time, a portion of the National Guard should always be available for military assistance.

B. Federal Mobilization of the National Guard

If a state emergency occurs simultaneously with a federal emergency that requires full activation and federalization of the National Guard, especially war, the National Guard may not be available for military assistance to the state.

C. State Militia

Current state law prohibits the formation of a state militia prior to total federalization of the National Guard. In reality, a state militia cannot be formed, equipped and trained quickly enough to respond to state emergencies.

D. Use of National Guard in Federal Training Status

Limited, and temporary, military assistance may be provided by units that are in a federal training status under certain emergency conditions when directed by the Adjutant General. This type duty must not extend past the scheduled training period and the members must be performing tasks roughly equivalent to the scheduled training. The federal government will not incur any additional expenses for food, per diem, fuel, vehicle maintenance, lodging or other incidental costs beyond those necessary for the scheduled training.

E. Military Assistance Under Innovative Readiness Training Program (IRTP)

Occasionally, National Guard units provide non-emergency community enhancements under the IRTP. The IRTP allows National Guard units to build or improve community facilities such as playgrounds, municipal parks, etc., as a means to enhance rapport with the community and facilitate recruiting. Military assistance provided under IRTP is federally funded for salaries, food lodging, fuel and vehicle maintenance. The local government agencies involved must provide building materials, permits and pay for inspections, etc.

F. Mutual Assistance Pacts Between States

Kentucky may enter into mutual assistance agreements with surrounding states.

These pacts provide procedures for states to send National Guard personnel and military equipment across state boundaries to assist in emergencies in neighboring states. Several branches of the federal government, the Southern Governors Conference and the National Governors Conference favor such prearranged agreements as a means to expedite assistance when no federal declaration has been made. Under these agreements, the receiving state will reimburse the lender for all expenses incurred.

G. National Response Plan

The National Response Plan provides instructions for the Federal Government for use and coordination of military forces during a federally declared, catastrophic emergency. The event may be a natural disaster, a man-made disaster or an act of war, including a nuclear attack. This plan assumes that all National Guard forces and other state assets have been fully committed to the emergency relief effort before the Governor asks the President of the United States for federal assistance. Although the President may federalize the National Guard for such an emergency, it is more expedient to leave the National Guard on State Active Duty and seek federal reimbursement for expenses. Another reason for leaving the National Guard on State Active Duty is to prevent violation of the Posse Comitatus Act if the Guard is involved in law enforcement duties. Federal Troops are prohibited from performing law enforcement duties, but this prohibition does not apply to military members on State Active Duty.

H. All military assistance at an incident will be in conformity to the National Incident Management System.

II. MISSION

A. State

1. Emergencies - The Kentucky National Guard will provide personnel and military equipment requested by Kentucky Emergency Management (KyEM) and authorized by Executive Order or directed by the Adjutant General.
2. Non-Emergency Assistance - The Kentucky National Guard will provide military assistance to state agencies and local governments as directed by the Adjutant General. The Adjutant General has delegated authority to the Plans, Operations & Military Support Officer (POMSO) to review and approve most requests for assistance. Requests for IRTP assistance will also be approved by the POMSO. Extraordinary requests must be approved by the Adjutant General. IRTPs and assistance requests that are questionable from a legal perspective will be reviewed by the Staff Judge Advocate.

B. Federal

In the event of a national emergency involving attack on the United States or other catastrophic event, the President of the United States may federalize the

Kentucky National Guard. Federal missions will be dictated by the National Response Plan and higher headquarters in the active military components.

III. DIRECTION AND CONTROL

A. State:

1. The **Joint Forces Headquarters (JFHQ)**, under the command of the Adjutant General, will assume operational control of KyNG and emergency compact military troops employed on emergency duty in Kentucky.
2. **JFHQ**, Kentucky National Guard, will develop contingency plans to respond to probable emergencies. Units will be organized into Task Forces comprised of selected units that have the best capabilities for the required missions.
3. In cases where no contingency plans have been developed, the POMSO will coordinate with KyEM and the **JFHQ** staff to determine the best courses of action.

B. Federal

1. After federalization, the Kentucky Army National Guard will become subordinate to HQ, First US Army. The Kentucky Air National Guard becomes part of the 12th US Air Force.
2. The mission of **JFHQ** does not change. The higher headquarters changes from National Guard Bureau to First US Army.
3. Command of National Guard units will, at all times, remain with military commanders. Commanders should coordinate closely with State, Regional and County Emergency Management officials.

IV. CONCEPT OF OPERATIONS

A. Declared Emergency

1. To activate the Kentucky National Guard, the Governor must sign an Executive Order, putting the Guard on State Active Duty. This process starts when the County Judge Executive (or Mayor of a major city) declares a local emergency and notifies the Governor that adequate response is beyond the capability of local government. The only exception to this policy is a commander's responsibility and authority to respond to an emergency to save human life or prevent extreme human suffering.
2. The Kentucky National Guard will support state and local agencies by allocating available resources based on requests from KyEM. KyEM will define the mission and the National Guard will determine the personnel and

equipment required to accomplish the mission.

3. National Guard units will not respond to requests for assistance directly from local officials except in life-or-death situations. Requests submitted directly to local National Guard units must be referred to KyEM. KyEM will determine if the National Guard should respond or if another agency could better accomplish the task. After the National Guard is committed to a mission, the POMSO authorizes the responding National Guard unit to coordinate directly with the local officials (local government officials and local EM coordinators) to accomplish the objectives.
4. National Guard personnel on State Active Duty are subject to the Kentucky Revised Statutes (KRS) and OSHA rules and regulations rather than Uniform Code of Military Justice.

B. After Federal Declaration

1. After a federal declaration of emergency by the President and execution of the National Response Plan, Kentucky National Guard personnel will probably remain on State Active Duty. Kentucky can be reimbursed by the Federal Emergency Management Agency (FEMA) for expenses incurred. The advantages of remaining on State Active Duty are:
 - a. Posse Comitatus Act does not apply to state troops.
 - b. No limitation on types of missions.
 - c. No time lost converting from state to federal status. No ID card change, no change in entitlements, no change in administrative procedures.
 - d. More lenient state purchasing procedures remain effective.
 - e. No Title 10, USC, orders required.
2. **JFHQ** (called **Joint Forces Headquarters** under federal status) will control all military forces in Kentucky.

V. ADMINISTRATIVE SUPPORT

A. State Active Duty

The POMSO will coordinate with the Director of Administrative Services for State Active Duty funding. Administrative instructions for State Active Duty payrolls and other expenses are contained in State Active Duty Standard Operating Procedures (SADSOP).

B. Federal Status

1. If the President federalizes the National Guard, the mobilization process for the Army National Guard will be accomplished according to instructions in the Second US Army Commander's Mobilization Handbook. The Air Guard will mobilize according to 12th US Air Force instructions.
2. Administrative procedures for payrolls, purchasing and other financial matters are published in USPFO Pamphlets.